

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 4, 5, 8, 9, 11 and 13-15 are currently pending. Non-elected claims 1-3 and 10 have been canceled, however Applicant expressly reserves the right to pursue these claims by way of a divisional application.

Claims 11-14 stand objected to due to a lack of antecedent basis for certain terms in claim 11. By way of the foregoing amendments, the antecedent basis for the "sensor array" in claim 11 has been corrected as requested.

Claim 9 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kimura (U.S. Patent No. 5,940,126). By way of the foregoing amendments, claim 9 has been amended to include the step of "using an electrically controllable liquid crystal filter to selectively capture said left image and said right image". It is respectfully submitted that Kimura fails to teach or suggest this step in combination with the other steps of claim 9. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 9 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kobayashi (U.S. Patent Publication No. 2001/0004298). By way of the foregoing amendments, claim 9 has been amended to include the step of "using an electrically controllable liquid crystal filter to selectively capture said left image and said right image". It is respectfully submitted that Kobayashi also fails to teach or suggest this step in combination with the other steps of claim 9. In this regard it is noted that, with respect to originally filed claim 6 which related to the provision of a liquid crystal polarization element, that the Official Action pointed to paragraph [0071] of Kobayashi as allegedly providing a teaching of this feature. It is respectfully submitted, however, that Kobayashi employs passive components in its optical system and does not teach or suggest the use of a liquid crystal filter as set forth, among other features, in Applicant's claim 9 combination. Paragraph [0071] of Kobayashi only refers to a "crystal low-pass filter LPF" which can be omitted and does not provide a teaching or suggestion to use an active device, e.g., a liquid

crystal device, as a polarization filter which operates to selectively capture right and left images as claimed. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 4-8 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kimura in view of Kobayashi. By way of the foregoing amendments, independent claim 4 has been amended to include, among other things, the subject matter of originally filed claims 6 and 7. The Official Action correctly recognizes that the Kimura patent fails to teach or suggest the features of amended claim 4 including, in combination, "wherein said polarization filter is a liquid crystal window; and a control unit for switching said liquid crystal window between a first state wherein said polarization filter passes light having a first polarization direction and a second state, wherein said polarization filter passes light having a second polarization direction different from said first polarization direction."

The Official Action therefore relies upon the teachings of Kobayashi to remedy this deficiency of Kimura. However, as described above with respect to claim 9, paragraph [0071] of Kobayashi only refers to a "crystal low-pass filter LPF" which can be omitted from the system and does not provide a teaching or suggestion to use an active device, e.g., a liquid crystal device, as a polarization filter which operates to selectively pass light having different polarizations as claimed. Since Kobayashi does not teach or suggest using a liquid crystal device as a polarization filter, it also fails to teach or suggest the claimed control unit associated therewith. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.


Claims 11-14 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kobayashi in view of Carter (U.S. Patent No. 4,761,066). By way of the foregoing amendments, claim 11 has been amended to include, among other features, "selecting the left polarized light, by switching a liquid crystal filter to a first state wherein it passes said left polarized light, to capture the left image using the sensor array" and "selecting the right polarized light, by switching a liquid crystal filter to a second state wherein it passes said right polarized light, to capture the right

image using the sensor array". For the reasons set forth above, it is respectfully submitted that Kobayashi fails to teach or suggest the claimed steps set forth in Applicant's claim 11 combination. The Carter patent fails to remedy these deficiencies since Carter, like the other documents of record, does not teach or suggest the use of a liquid crystal filter in combination with the other elements claimed and described to provide a method of capturing a left image and a right image of a scene.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response, or if there is anything the undersigned can do to expedite prosecution, she or he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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